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7 *Officer Randall Brown, Bonnie Polley,*  
*Corrections Officer Robert Garvey*

8 UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF NEVADA

10 \*\*\*

11 ABDUL HOWARD,  
12 Plaintiff,  
13 vs.

CASE NO. 2:16-cv-1553-MMD-PAL

**DEFENDANTS' MOTION FOR LEAVE  
TO TAKE THE DEPOSITION OF ABDUL  
HOWARD, AN INCARCERATED  
PERSON**

14 JOHN DOE, Badge #5577; PEGGY  
15 MARTINEZ, Kitchen Officer, BONNIE  
POLLEY; MUJAHID RAMADAN; LAS  
16 VEGAS METROPOLITAN POLICE  
DEPARTMENT DETENTION SERVICES  
17 DIVISION; OFFICER GARVEY, Badge #  
9250; SHERIFF LOMBARDO; KITCHEN  
18 MANAGER JOHN DOE; THE STATE OF  
NEVADA ex rel, all.

19 Defendants.  
20

21 Defendants Sheriff Joseph Lombardo, Officer Randall Brown, Bonnie Polley, and  
22 Corrections Officer Robert Garvey, by and through their attorneys of record, ROBERT W.  
23 FREEMAN, ESQ., and NOEL E. EIDSMORE, ESQ., of the law firm LEWIS, BRISBOIS,  
24 BISGARRD & SMITH, hereby move this honorable Court, pursuant to Federal Rule of Civil  
25 Procedure 30(a)(2)(B), for leave to take the deposition of Plaintiff Abdul Howard, currently  
26 incarcerated.

27 This motion is made based upon the pleadings and papers on file herein, the attached  
28 Points and Authorities, in conjunction with other such evidence and further authorities as this

1 Court may require if a hearing is schedule for this matter.

2 **POINTS AND AUTHORITIES**

3 **I. The deposition of Plaintiff Abdul Howard, who is currently incarcerated at**  
4 **Clark County Detention Center in Las Vegas, Nevada, is necessary to the**  
5 **preparation of the defense in this matter.**

6 Plaintiff has filed a Civil Rights Complaint against Defendants Sheriff Joseph Lombardo,  
7 Officer Randall Brown, Bonnie Polley, and Corrections Officer Robert Garvey, alleging that while  
8 he was an inmate at the Clark County Detention Center he was denied access to religious services.

9 Abdul Howard is currently incarcerated at Clark County Detention Center located in Las  
10 Vegas, Nevada. Federal Rule of Civil Procedure 30(a)(2)(B) provides that the deposition of a  
11 person confined in prison may only be taken by leave of court. Defendants submit that the  
12 testimony of Abdul Howard is necessary to the preparation of the defense in this matter and the  
13 only way his testimony can be preserved for trial is by taking his deposition.

14 **II. Conclusion**

15 Due to the vital nature of Abdul Howard's testimony in this matter, and pursuant to  
16 Federal Rule of Civil Procedure 30(a)(2)(B), Defendants respectfully request that this Court issue  
17 an Order permitting Plaintiff Abdul Howard's deposition to go forward at the place of his  
18 incarceration.

19 DATED this 18<sup>th</sup> day of July, 2017.

20 LEWIS BRISBOIS BISGAARD & SMITH LLP

21 /s/ Noel E. Eidsmore

22 Robert W. Freeman, Esq.

Nevada Bar No. 3062

Noel E. Eidsmore, Esq.

Nevada Bar No. 7688

6385 S. Rainbow Blvd, Suite 600

Las Vegas, Nevada 89118

Attorneys for Defendants

23 **IT IS SO ORDERED** this 24th  
24 **day of July, 2017.**

25   
26 Peggy A. Leen  
27 United States Magistrate Judge  
28

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 18<sup>th</sup> day of July, 2017, I electronically filed the **DEFENDANTS' MOTION FOR LEAVE TO TAKE THE DEPOSITION OF ABDUL HOWARD, AN INCARCERATED PERSON** with the Clerk of the Court through Case Management/Electronic Filing System.

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on the 18<sup>th</sup> day of July, 2017, I served a true and correct copy of the foregoing **DEFENDANTS' MOTION FOR LEAVE TO TAKE THE DEPOSITION OF ABDUL HOWARD, AN INCARCERATED PERSON** by depositing a copy of same in the United States Mail at Las Vegas, Nevada postage fully prepaid, addressed to:

Abdul Howard  
# 1896061  
Clark County Detention Center  
330 South Casino Center  
Las Vegas, Nevada 89101  
*Plaintiff in Proper Person*  
*Attorney for Plaintiff*

/s/ Gabriela Mercado  
Employee of LEWIS BRISBOIS  
BISGAARD & SMITH LLP